

Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 NSCE-00 DODE-00 CIAE-00 INRE-00
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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2417
INFO AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY

S E C R E T SECTION 01 OF 02 GENEVA 11298

EXDIS USCTB

PASS TO DOE

E.O.11652:XGDS-3
TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: POLITICAL WORKING GROUP
CONSIDERATION OF FORMAL ARTICLES

CTB MESSAGE NO.269

1. SUMMARY: POLITICAL WORKING GROUP MET ON JULY 21 TO DISCUSS THE DIFFERENCES BETWEEN THE PROPOSALS OF THE US AND UK, AND THOSE OF THE USSR (CTB MESSAGE 268), REGARDING THE FORMAL ARTICLES OF THE MULTILATERAL TREATY. DELOFFS DISCUSSED SEVERAL POSSIBLE ALTERNATIVE FORMULATIONS FOR PROVISIONS CROSS-REFERENCING THE PNE PROTOCOL AND FOR DISCLAIMING EFFECTS ON PRIOR TREATIES. END SUMMARY.

2. IN POLITICAL WORKING GROUP MEETING JULY 21, DELEGATIONS DISCUSSED FORMAL PROVISIONS OF THE MULTILATERAL TREATY. NEIDLE (US), SUPPORTED BY BIRCH (UK), CRITICIZED
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SOVIET DRAFT ARTICLE III CROSS-REFERENCING PNE PROTOCOL, ON GROUNDS THAT IT APPEARED UNBALANCED AND TILTED POSITIVELY TOWARD PNES. HE URGED THAT THE DELEGATIONS AGREE ON A GENUINELY NEUTRAL, BRIEF CROSS REFERENCE, RATHER THAN ONE THAT COULD BE READ AS IMPLYING THAT THERE WOULD BE A REGIME FOR PNES. HE ALSO URGED THAT THE CROSS REFERENCE APPEAR IN ARTICLE I OR AS A NEW ARTICLE II,

RATHER THAN BE SEPARATED FROM THE BASIC OBLIGATIONS OF THE TREATY, WHICH ARE CONTAINED IN ARTICLE I. TIMERBAEV (USSR) AGREED TO STUDY THE ISSUE FURTHER, WHILE ASSERTING THE SOVIET DELEGATION'S BELIEF THAT THE SOVIET ILLUSTRATIVE TEXT WAS SUFFICIENTLY NEUTRAL.

3. WITH RESPECT TO THE DISCLAIMER IN ARTICLE IV OF THE SOVIET ILLUSTRATIVE TEXT, BIRCH ASKED FOR AN EXPLANATION OF THE PURPOSE OF THIS LANGUAGE. TIMERBAEV RESPONDED THAT OTHER COUNTRIES WOULD ASK WHETHER OR NOT THIS TREATY WILL AFFECT OBLIGATIONS UNDER SUCH TREATIES AS THE LIMITED TEST BAN TREATY AND THE NONPROLIFERATION TREATY, AND THE SOVIET DRAFT WOULD ANSWER THESE QUESTIONS. WATTS (UK) NOTED SEVERAL AMBIGUITIES IN THE SOVIET DRAFT. DO THE WORDS "SHALL NOT AFFECT" MEAN ONLY THAT PREVIOUS TREATIES CONTINUE IN FORCE, OR ALSO THAT ANY CONFLICTING OBLIGATIONS WOULD PREVAIL OVER THOSE OF THIS TREATY? DOES THE CLAUSE APPLY TO THE THRESHOLD TEST BAN TREATY, WHICH MAY NOT ENTER INTO FORCE BEFORE THIS TREATY? DOES THE CLAUSE ONLY APPLY TO EXISTING TREATIES OR TO FUTURE ONES AS WELL? TIMERBAEV INDICATED THAT THE SOVIET DELEGATION INTENDED TO PRESERVE PAST OBLIGATIONS AND WAS ALSO PREPARED TO CONSIDER CLARIFYING CHANGES IN ITS TEXT. NEIDLE SAID THAT THE ISSUE WILL NEED MORE DISCUSSION, AND OFFERED SOME CONCEPTS THAT MIGHT RESOLVE THE PROBLEM. THE CLAUSE MIGHT DESCRIBE THE GENERAL CLASS OF AGREEMENTS PROTECTED

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(FOR EXAMPLE, THOSE PROHIBITING OR LIMITING NUCLEAR EXPLOSIONS), IT MIGHT REFER TO OTHER AGREEMENTS "CONSISTENT WITH THIS TREATY", OR IT MIGHT REFER TO OBLIGATIONS "PREVIOUSLY" ASSUMED. WE COULD ALSO CONSIDER ALTERNATIVES TO THE PHRASE "SHALL NOT AFFECT".

4. WITH REGARD TO DEPOSITARIES, NEIDLE EXPRESSED THE PREFERENCE OF THE US DELEGATION THAT WE NOT TRY TO RESOLVE THIS ISSUE AT THE PRESENT TIME. TIMERBAEV SAID THAT THE SOVIET PREFERENCE FOR THE TRILATERAL NEGOTIATING PARTNERS TO BE THE DEPOSITARIES STEMS FROM THEIR VIEW THAT THE TREATY SHOULD BE SIGNED WHEN IT HAS BEEN ELABORATED (RATHER THAN GO TO THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT). TIMERBAEV AGREED THAT IT MIGHT BE BEST, HOWEVER, FOR THE COMPOSITE TEXT TO LEAVE THE DEPOSITARY ISSUE OPEN.

5. BIRCH NOTED THAT THE SOVIET DRAFT OF THE AMENDMENT CLAUSE DID NOT INCLUDE AN EXPLICIT REFERENCE TO AMENDING THE PNE PROTOCOL; THE UK DELEGATION WOULD PREFER SUCH A REFERENCE. TIMERBAEV SAID THAT SOVIETS PREFERRED THAT ANY AGREEMENTS EMERGING FROM THE PROTOCOL'S PROVISION FOR FURTHER CONSIDERATION OF HOW TO CONDUCT PNE SHOULD BE

SEPARATE AGREEMENTS RATHER THAN MERE AMENDMENTS TO THE PROTOCOL. NEIDLE SAID THAT IT WOULD BE HARD TO VISUALIZE AN INTERNATIONAL AGREEMENT THAT WOULD NOT BE THEORETICALLY AMENDABLE, AND PRESUMABLY THE PROTOCOL, AS AN INTEGRAL PART OF THE TREATY, COULD BE AMENDED JUST AS THE TREATY COULD. IN FACT, HOWEVER, NO AMENDMENT WOULD OCCUR WITHOUT THE CONSENT OF THE US, THE USSR AND THE UK.

6. BIRCH ASKED THE SOVIETS WHAT CONFERENCES WERE REFERRED TO IN THE SOVIET DRAFT LANGUAGE REGARDING THE DUTY OF THE DEPOSITARIES TO INFORM PARTIES ABOUT REQUESTS

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FOR CONVENING CONFERENCES. SLIPCHENKO (USSR) SAID THAT THE REFERENCE APPLIED TO AMENDMENT CONFERENCES CALLED PURSUANT TO THE ARTICLE ON AMENDMENT PROCEDURES, AND A SIMILAR CLAUSE WAS IN THE LTBT AND NPT.

7. THE POLITICAL WORKING GROUP AGREED TO EXPLORE THESE ISSUES FURTHER AT ITS NEXT MEETING, JULY 25.

8. NOTE ABOVE ADDRESSEES: CTB MESSAGE NO. 265 WAS NOT UTILIZED. JOHNSON

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